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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,109	12/31/2003	Stephen R. Lawrence	24207-10090	9609
62296	7590	06/27/2006	EXAMINER	
GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,109	LAWRENCE ET AL.	
	Examiner	Art Unit	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10142004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on October 14, 2004 was filed before First Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,11,13-14,21-27,31,33,34 are rejected under 35 U.S.C. 102(B) as being anticipated by US Patent Publication Number 2004/010387 issued to Rajat Mukherjee et al ("Mukherjee").

As per claim 1, Mukherjee anticipates:

receiving a first result set, the first result set comprising a first plurality of article identifiers (paragraph 28, lines 6-9 and page 7:claim 1);

receiving a second result set, the second result set comprising a second plurality of article identifiers(paragraph 28, lines 6-9 and page 7:claim 1);

creating a third result set, the third result set based at least in part on the first result set and the second result set(paragraph 57, lines 1-7 and page 7:claim 1).

Mukherjee teaches receiving a first result set, the first result set comprising a first plurality of article identifiers, receiving a second result set, the second result set comprising a second plurality of article identifiers, and creating a third result set, the third result set based at least in part on the first result set and the second result set (paragraph 28, lines 6-9 and page 7:claim 1 and paragraph 57, lines 1-7).

As per claim 2, same as claim arguments above and Mukherjee anticipates:
further comprising creating the first result set(page 7: claim1, lines 1-5).

As per claim 3, same as claim arguments above and Mukherjee anticipates:
creating the second result set (page 7: claim1, lines 6-9).

As per claim 4, same as claim arguments above and Mukherjee anticipates:
wherein creating the third result set comprises creating a modified version the first result set based at least in part on the second plurality of article identifiers(page 7: claim1, lines 10-12).

As per claim 5, same as claim arguments above and Mukherjee anticipates:
wherein creating the third result set comprises creating a modified version the second result set based at least in part on the first plurality of article identifiers(page 7: claim1, lines 10-12).

As per claim 6, same as claim arguments above and Mukherjee anticipates:
wherein modifying the second result set comprises sorting the second plurality of article identifiers in the second result set based at least in part on a sort order of the first plurality of article identifiers in the, first result set (paragraph 57).

As per claim 7, same as claim arguments above and Mukherjee anticipates:
identifying a first article identifier in a first position in the first result set, identifying a second position the second result set and identifying the first article and relocating the first article identifier to the first position in the second result set (paragraphs 57,62).

As per claim 11, same as claim arguments above and Mukherjee anticipates:
wherein creating the third result set comprises modifying the first result set (page 7: claim1, lines 10-12).

As per claim 13, same as claim arguments above and Mukherjee anticipates:
further comprising comparing the first result set to the second result set (paragraph 57, lines 5-7).

As per claim 14, same as claim arguments above and Mukherjee anticipates:
further comprising causing the display of the third result set in place of the first result set (paragraphs 55,57,71).

As per claim 21 Mukherjee anticipates:

obtaining a first result set, the first result set comprising a first plurality of article identifiers(paragraph 28, lines 6-9 and page 7:claim 1);
obtaining a second result set, the second result set comprising a second plurality of article identifiers(paragraph 28, lines 6-9 and page 7:claim 1);
creating a third result set, the third result set based at least in part on the first result set and the second result set(paragraph 57, lines 1-7 and page 7:claim 1).

Mukherjee teaches obtaining a first result set, the first result set comprising a first plurality of article identifiers, obtaining a second result set, the second result set comprising a second plurality of article identifiers, and creating a third result set, the third result set based at least in part on the first result set and the second result set(paragraph 28, lines 6-9 and page 7:claim 1 and paragraph 57, lines 1-7).

As per claim 22 Mukherjee anticipates:

A computer-readable medium on which is encoded program code, the program code comprising:

program code for receiving a First result set, the first result set comprising a first plurality of article identifiers(paragraph 28, lines 6-9 and page 7:claim 1);
receiving a second result set, the second result set comprising a second plurality of article identifiers(paragraph 28, lines 6-9 and page 7:claim 1);
creating a third result set, the third result set based at least in part on the first result set and the second result set(paragraph 57, lines 1-7 and page 7:claim 1).

Mukherjee teaches a computer-readable medium on which is encoded program code, the program code comprising: program code for receiving a First result set, the first result set comprising a first plurality of article identifiers, receiving a second result set, the second result set comprising a second plurality of article identifiers and creating a third result set, the third result set based at least in part on the first result set and the second result set(paragraph 28, lines 6-9, paragraph 57, lines 1-7 and page 7:claim 1).

As per claim 23, same as claim argument above and Mukherjee anticipates: wherein program code for creating the third result set comprises program code for modifying the first result set based at least in part on the second plurality of article identifier(page 7: claim1, lines 10-12).

As per claim 24, same as claim arguments above and Mukherjee anticipates: wherein program code for creating the third result set comprises program code for modifying the second result set based at least in part on the first plurality of article identifiers(page 7: claim1, lines 10-12).

As per claim 25, same as claim arguments above and Mukherjee anticipates: wherein program code for modifying the second result set comprises program code for sorting the second plurality of article identifiers in the second result set based at least in

part on a sort order of the first plurality of article identifiers in the first result set (paragraph 57).

As per claim 26, same as claim arguments above and Mukherjee anticipates:
program code for identifying a first article identifier in a first position in the first result set,
program code for identifying the first article identifier in a second position in the second result set and program code for relocating the first article identifier to the first position in the second result set (paragraphs 57, 62).

As per claim 27, same as claim arguments above and Mukherjee anticipates:
further comprising program code for creating the first result set (page 7: claim 1, lines 1-5).

As per claim 28, same as claim arguments above and Mukherjee anticipates:
further comprising program code for creating the second result set (page 7: claim 1, lines 6-9).

As per claim 31, same as claim arguments above and Mukherjee anticipates:
wherein creating the third result set comprises program code for modifying the first result set (page 7: claim 1, lines 10-12).

As per claim 33, same as claim arguments above and Mukherjee anticipates:
further comprising program code for comparing the first result set to the second result set (paragraph 57, lines 5-7).

As per claim 34, same as claim arguments above and Mukherjee anticipates:
further comprising program code for causing the display of the third result set in place,
of the first result set (paragraphs 55,57,71).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9,12-13,15-16,18-19,29-30,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2004/010387 issued to Rajat Mukherjee et al ("Mukherjee") in view of US Patent Application Publication Number 2005/0033803 issued to Taylor N. Van Vleet et al ("Vleet").

As per claim 8, same as claim arguments above and Mukherjee does not explicitly teach wherein modifying the second result set comprises deleting at least one of the second plurality of article identifiers from the second result set. Vleet does teach wherein modifying the second result set comprises deleting at least one of the second plurality of article identifiers from the second result set (paragraph 63) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with wherein modifying the second result set comprises deleting at

least one of the second plurality of article identifiers from the second result set to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 9, same as claim arguments above and Vleet teaches:

wherein deleting at least one of the second plurality comprises deleting at least one of the second plurality based at least in part on an event associated with the article identifier in the first result set (paragraph 8).

As per claim 12, same as claim arguments above and Mukherjee does not explicitly teach identifying a first article identifier in the first result set that is not in the second result set, identifying a second article identifier in the second result set that is not in the first result set, creating the third result set as a copy of the first result set and replacing the first article identifier in the third result set with the second article identifier. Vleet does teach wherein creating the third result set comprises: identifying a first article identifier in the first result set that is not in the second result set, identifying a second article identifier in the second result set that is not in the first result set, creating the third result set as a copy of the first result set and replacing the first article identifier in the third result set with the second article identifier (paragraphs 60, lines 1-5 and paragraph 61) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with identifying a first article identifier in the first result set that is not in the second result set, identifying a second article identifier in the second result set that is not in the first result set, creating the third result set as a copy of the first result set and replacing the first article identifier in the third result set with the second article identifier to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 15, same as claim arguments above and Mukherjee does not explicitly teach wherein the third result set comprises at least a predetermined percentage of the first plurality of article identifiers. Vleet does teach wherein the third result set comprises at least a predetermined percentage of the first plurality of article identifiers (paragraph 63) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with wherein the third result set comprises at least a predetermined percentage of the first plurality of article identifiers to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 16, same as claim arguments above and Mukherjee does not explicitly teach receiving a length of display line for an article identifier in the first plurality of article identifiers. Vleet does teach receiving a length of display line for an article identifier in the first plurality of article identifiers (paragraph 7-8, 11, 63) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with receiving a length of display line for an article identifier in the first plurality of article identifiers to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 18, same as claim arguments above and Mukherjee does not explicitly teach wherein creating the third result set comprises creating the third result set based at least in part on a user activity. Vleet does teach wherein creating the third result set comprises creating the third result set based at least in part on a user activity (paragraph 11) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with creating the third result set comprises creating the third result set based at least in part on a user activity to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 19, same as claim arguments above and Mukherjee does not explicitly teach where in the third result set comprises no more than a predetermined quantity of article identifiers not contained in the first plurality of article identifiers. Vleet does teach where in the third result set comprises no more than a predetermined quantity of article identifiers not contained in the first plurality of article identifiers (paragraph 63) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Mukherjee with the third result set comprises no more than a pre-determined quantity of article identifiers not contained in the first plurality of article identifiers to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 29, same as claim arguments above and Mukherjee does not explicitly teach wherein the program code for modifying the second result set comprises program code for deleting at least one of the second plurality of article identifiers from the second result set. Vleet does teach wherein the program code for modifying the second result set comprises program code for deleting at least one of the second plurality of article identifiers from the second result set (paragraph 63) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with wherein the program code for modifying the second result set comprises program code for deleting at least one of the second plurality of article identifiers from the second result set to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

As per claim 30, same as claim arguments above and Vleet teaches:
wherein program code for deleting at least one of the second plurality comprises program code for deleting at least one of the second plurality based at least in part on an event associated with the article identifier in the first result set (paragraph 8)

As per claim 32, same as claim arguments above and Mukherjee does not explicitly teach program code for identifying a first article identifier in tire first result set that is not in the second result set, program code for identifying a second article identifier in the second result set that is not in the first result set, program code for creating this third result set as a copy of the first result set and program code for replacing the first article identifier in the third result set with the second article identifier. Vleet does teach program code for identifying a first article identifier in tire first result set that is not in the second result set, program code for identifying a second article identifier in the second result set that is not in the first result set, program code for creating this third result set as a copy of the first result set and program code for replacing the first article identifier in the third result set with the second article identifier (paragraphs 60, lines 1-5 and paragraph 61) to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with program code for identifying a first article identifier in tire first result set that is not in the second result set, program code for identifying a second article identifier in the second result set that is not in the first result set, program code for creating this third result set as a copy of the first result set and program code for replacing the first article identifier in the third result set with the second article identifier to provide a means to personalize the search results pages for the user (paragraph 11, lines 6-8).

Claims 10,17, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2004/010387 issued to Rajat Mukherjee et al (“Mukherjee”) in view of US Patent Application Publication Number 2005/0033803 issued to Taylor N. Van Vleet et al (“Vleet”) an further in view of US Patent Number 6,078,916 issue to Gary Culliss (“Culliss”).

As per claim 10, same as claim arguments above and Mukherjee and Vleet do not explicitly teach where in the at least one of the second plurality of article identifiers comprises an article identifier in the first plurality of article identifiers for which a lack of interest has been indicated . Culliss does teach where in the at least one of the second plurality of article identifiers comprises an article identifier in the first plurality of article identifiers for which a lack of interest has been indicated (column 4, lines 103) to organize articles displayed on the search results page (column 3, line 1). It would have been obvious to one of ordinary skill I the art at the time of the invention to modify Mukherjee and Vleet with the second plurality of article identifiers comprises an article identifier in the first plurality of article identifiers for which a lack of interest has been indicated to organize articles displayed on the search results page (column 3, line 1).

As per claim 17, same as claim arguments above and Mukherjee and Vleet do not explicitly teach the article identifier in the third result set if the length of display time is less than a minimum display time. Culliss does teach the article identifier in the third result set if the length of display time is less than a minimum display time (column 3,

lines 64-66) to organize articles displayed on the search results page (column 3, line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee and Vleet with article identifier in the third result set if the length of display time is less than a minimum display time to organize articles displayed on the search results page (column 3, line 1).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2004/010387 issued to Rajat Mukherjee et al ("Mukherjee") and US Patent Number 6,078,916 issued to Gary Culliss ("Culliss").

As per claim 20 Mukherjee teaches receiving a first result set, the first result set comprising a first plurality of article identifiers (paragraph 28, lines 6-9 and page 7, claim 1) and creating a second result set (page 7, claim 1, lines 6-9). Mukherjee does not explicitly teach each of said first plurality of articles comprising a length of display time measure. Culliss does teach a length of display time measure (column 3, lines 60 to column 4, line 4) to organize articles displayed on the search results page (column 3, line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mukherjee with a length of display time measure to organize articles displayed on the search results page (column 3, line 1).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan Rayyan

June 16, 2006



JOHN R. COTTINGHAM
PRIMARY EXAMINER